

OF MR. CALHOUN, OF SOUTH CAROLINA,

IN SENATE, AUGUST, 1842.

On the Treaty of Washington.

Mr. CALHOUN said that his object in rising was not to advocate or oppose the treaty, but simply to state the reasons that would govern him in voting for its ratification. The question, according to his conception, was not whether it was all we could desire, or whether it was liable to this or that objection; but whether it was such a one that, under all the circumstances of the case, it would be most advisable to adopt or reject. Thus regarded, it was his intention to state fairly the reasons in favor of and against its ratification; and to assign to each its proper weight, beginning with the portion relating to the Northeastern boundary, the settlement of which was the immediate and prominent object of the negotiation.

He was one of those who had not the slightest doubt that the boundary for which the State of Maine contended was the true one, as established by the treaty of peace in 1783; and had accordingly so recorded his vote, after a deliberate investigation of the subject. But, although such was his opinion, he did not doubt at the time that the boundary could only be settled by a compromise line. We had admitted it to be doubtful at an early period during the Administration of Washington; and more recently and explicitly, by stipulating to submit it to the arbitration of a friendly power, by the treaty of Ghent. The doubt, thus admitted on our part to exist, had been greatly strengthened by the award of the King of Holland, who had been mutually selected as the arbiter under the treaty. So strong, indeed, was his (Mr. C's) impression that the dispute could only be settled by a compromise or conventional line, that he said to a friend in the then Cabinet, (when an appropriation was made a few years since for a special mission to be sent to England on the subject of the boundary, and his name, among others, was mentioned for the place,) that the question could only be settled by compromise; and for that purpose, some distinguished citizen of the section ought to be selected; and neither he, nor any other Southern man, ought to be thought of. With these previous impressions, he was prepared, when the negotiation opened, to expect, if it succeeded in adjusting the difficulty, it would be (as it has been) on a compromise line. Notwithstanding, when it was first announced that the line agreed on included a considerable portion of the territory lying to the west of the line awarded by the King of Holland, he was incredulous, and expressed himself strongly against it. His first impression was, perhaps, the more strongly against it, from the fact that he had fixed on the river St. John, from the mouth of Eel river, taking the St. Francis branch (the one selected by the King of Holland) as the natural and proper compromise boundary, including in our limits all the portion of the disputed territory lying north of Eel river, and west and south of the St. John, above its junction; and all the other within that of Great Britain. On a little reflection, however, he resolved not to form his opinion of the merits or demerits of the treaty on rumor or imperfect information; but to wait until the whole subject was brought before the Senate official-

ly, and then to make it up on full knowledge of all the facts and circumstances after deliberate and mature reflection; and that he had done with the utmost care and impartiality. What he now proposed was, to give the result, with the reasons on which it rests, and which would govern his vote on the ratification.

He still believed that the boundary which he had fixed in his own mind, was the natural and proper one; but, as that could not be obtained, the question for them to decide was—Are the objections to the boundary as actually agreed on, and the stipulations connected with it, such as ought to cause its rejection? In deciding it, it must be borne in mind that, as far as this portion of the boundary is concerned, it is a question belonging much more to the State of Maine than to the Union. It is, in truth, but the boundary of that State; and it makes a part of the boundary of the United States, only by being the exterior boundary of one of the States of our Federal Union. It is her sovereignty and soil that are in dispute, except the portion of the latter that still remains in Massachusetts; and it belongs in the first place to her, and to Massachusetts, as far as her right of soil is involved, to say what their rights and interests are, and what is required to be done. The rest of the Union is bound to defend them in their just claim; and to assent to what they may be willing to assent, in settling the claim in contest, if there should be nothing in it inconsistent with the interest, honor, or safety of the rest of the Union. It is so that the controversy has ever been regarded. It is well known that President Jackson would readily have agreed to the award of the King of Holland, had not Maine objected; and that to overcome her objection, he was prepared to recommend to Congress to give her, in order to get her consent, one million of acres of the public domain, worth, at the minimum price, a million and a quarter of dollars. The case is now reversed. Maine and Massachusetts have both assented to the stipulations of the treaty, as far as the question of the boundary affects their peculiar interest, through commissioners vested with full powers to represent them; and the question for us to decide is—Shall we reject that to which they have assented? Shall the Government, after refusing to agree to the award of the King of Holland, because Maine objected, now reverse its course, and refuse to agree to that which she and Massachusetts have both assented? There may, indeed, be reasons strong enough to authorize such a course; but they must be such as will go to prove that we cannot give our assent consistently with the interests, the honor, or the safety of the Union. That has not been done; and, he would add, if there be any such, he has not been able to detect them.

It has, indeed, been said that the assent of Maine was coerced. She certainly desired to obtain a more favorable boundary; but when the alternative was presented of another reference to arbitration, she waived her objection, as far as she was individually concerned, rather than incur the risk, delay, uncer-

tainty and vexation of another submission of her claims to arbitration; and left it to the Senate, the constituted authority appointed for the purpose, to decide on the general merits of the treaty, as it relates to the whole Union. In so doing, she has, in his opinion, acted wisely and patriotically—wisely for herself, and patriotically in reference to the rest of the Union. She has not got, indeed, all she desired; and has even lost territory, if the treaty be compared to the award of the King of Holland; but, as an offset, that which she has lost is of little value, while that which she retains has been greatly increased in value by the stipulations contained in the treaty. The whole amount lost, is about half a million of acres.—It lies along the eastern slope of the highlands, skirting the St. Lawrence to the east, and is acknowledged to be of little value for soil, timber, or anything else—a sterile region, in a severe inhospitable clime. Against that loss, she has acquired the right to navigate the river St. John; and that, not only to float down the timber on its banks, but all the productions of the extensive, well-timbered, and taken as a whole, not a sterile portion of the State that lies on her side of the basin of that river and its tributaries. But that is not all. She also gains what is vastly more valuable—the right to ship them on the same terms as colonial productions to Great Britain and her colonial possessions.

These great and important advantages will probably double the value of that extensive region, and make it one of the most populous and flourishing portions of the State. Estimated by a mere moneyed standard, these advantages are worth, he would suppose, all the rest of the territory claimed by Maine without them. If to this be added the sum of about \$200,000 to be paid her for the expense of defending her territory, and \$300,000 to her and Massachusetts in equal moieties, in consequence of their assent to the boundary and the equivalents received, it must be apparent that Maine has not made a bad exchange in accepting the treaty, as compared with the award, as far as her separate interest is concerned. But be that as it may, she is the rightful judge of her own interests; and her assent is a sufficient ground for our assent, provided that to which she has assented does not involve too great a sacrifice on the part of the rest of the Union, nor their honor or safety. So far from that, as far as the rest of the Union is concerned, the sacrifice is small and the gain great. They are under solemn constitutional obligations to defend Maine, as one of the members of the Union, against invasion, and to protect her territory, cost what it may, at every hazard. The power, claiming what she contended to be hers, is one of the greatest, if not the greatest, on earth; the dispute is of long standing, and of a character difficult to be adjusted; and, however clear the right of Maine may be regarded in the abstract, it has been made doubtful, in consequence of admissions, for which the Government of the Union is responsible. To terminate such a controversy, with the assent of the party immediately interested, by paying the small sum of half a million—of which a large part (say \$200,000) is unquestionably due to Maine, and would have to be paid to her without the treaty—is indeed a small sacrifice, a fortunate deliverance. President Jackson was willing to allow her, as has been stated, more than twice as much for her assent to the award; and in doing so, he showed his wisdom, whatever might have been thought of it at the time.

Those, at least, who opposed the treaty, will not charge him with being willing to sacrifice the interest and honor of the Union in making the offer; and yet the charge which they make against this portion of the treaty does, by implication, subject what he was ready to do to a similar one.

But it is said that the territory which England would acquire beyond the boundary of the awarded line, would greatly strengthen her frontier, and weaken ours; and would thereby endanger the safety of the country in that quarter. He did not profess to be deeply versed in military science; but, according to his conception, there was no foundation for the objection. It was, if he did not mistake, the very last point on our whole frontier, from the mouth of the St. Croix to the outlet of Lake Superior, on which an expedition would be organized on either side to attack the possessions of the other. In a military point of view, our loss is as nothing in that quarter; while in another, and a much more important quarter, our gain by the treaty is great, in the same point of view. He referred to that provision by which we acquire Rouse's Point, at the northern extremity of Lake Champlain. It is among the most important military positions on the whole line of our eastern and northern frontier, whether it be regarded in reference to offensive or defensive operations. He well remembered the deep sensation caused among military men in consequence of its loss; and he would leave the question of loss or gain, in a military point of view, (taking the two together,) to their decision, without the least doubt what it would be.

But if it should be thought by any one that these considerations, as conclusive as they seemed to be, were not sufficient to justify the ratification of this portion of the treaty, there were others, which appeared to him to be perfectly conclusive. He referred to the condition in which we would be left, if the treaty should be rejected. He would ask—if, after having agreed at Ghent to refer the subject to arbitration, and, after having refused to agree to the award made under that reference, by an arbitrator of our own selection, we should now reject this treaty, negotiated by our own Secretary of State, under our own eyes, and which had previously received the assent of the States immediately interested—whether there would be the slightest prospect that another equally favorable would ever be obtained. On the contrary, would we not stand in a far worse condition than ever, in reference to our claim? Would it not, indeed, be almost certain that we should lose the whole of the basin of the St. John, and Great Britain gain all for which she ever contended, strengthened as she would be by the disclosures made during this discussion? He was

* The following extract from the speech of Mr. RIVES, the chairman of the Committee on Foreign Relations, will show what the disclosures were:

It appears to the committee, therefore, in looking back to the public and solemn acts of the Government, and of its successive administrations, that the time has passed, if it ever existed, when we could be justified in making the precise line of boundary claimed by us the subject of a *sine qua non* of negotiation, or of the *ultimo ratio*—of an assertion by force. Did a second arbitration, then, afford the prospect of a more satisfactory result? This expedient seemed to be equally rejected by all parties—

far from asserting that the facts disclosed established the claim of Great Britain, or that the map exhibited is the one to which Franklin referred, in his note to the Count de Vergennes, the French Minister; but it cannot be doubted that the conformity of the line delineated on the map, with the one described in his note, would have the effect of strengthening not a little the claims of Great Britain in her own estimation and that of the world. But the facts stated, and the map exhibited by the chairman of the Committee on Foreign Relations, [Mr. Rives,] are not the only or the strongest disclosure made during the discussion. The French map introduced by the Senator from

Missouri, [Mr. Benton,] from Mr. Jefferson's collection in the Congress library, in order to rebut the inference from the former, turned out to be still more so. That was made in the village of Passy, in the year after the treaty of peace was negotiated, where Franklin (who was one of the negotiators) resided, and was dedicated to him; and that has the boundary line drawn in exact conformity to the other, and in the manner described in the note of Dr. Franklin—a line somewhat more adverse to us than that claimed by Great Britain. But, as striking as is this coincidence, he was far from regarding it as sufficient to establish the claim of Great Britain. It would, however, be in

by the United States, by Great Britain, and by the State of Maine. If such an alternative should be contemplated by any one as preferable to the arrangement which had been made, it is fit to bear in mind the *risk and uncertainty*, as well as the inevitable delay and expense, incident to that mode of decision. We have already seen, in the instance of the arbitration by the King of the Netherlands, how much weight a tribunal of that sort is inclined to give to the argument of *convenience*, and a supposed *intention* on the part of the negotiators of the treaty of 1783, against the literal and positive terms employed by the instrument in its description of limits. Is there no danger, in the event of another arbitration, that a farther research into the public archives of Europe might bring to light some embarrassing (even though apocryphal) document, to throw a new shade of plausible doubt on the clearness of our title, in the view of a sovereign arbiter? Such a document has already been communicated to the committee; and I feel it (said Mr. R.) to be my duty to lay it before the Senate, that they may fully appreciate its bearings, and determine for themselves the weight and importance which belong to it. It is due to the learned and distinguished gentleman, (Mr. Jared Sparks, of Boston,) by whom the document referred to was discovered in the archives of France, while pursuing his laborious and intelligent researches connected with the history of our own country, that the account of it should be given in his own words, as contained in a communication addressed by him to the Department of State. I proceed, therefore, to read from that communication:

"While pursuing my researches among the voluminous papers relating to the American Revolution in the *Archives des Affaires Etrangères* in Paris, I found in one of the bound volumes an original letter from Dr. Franklin to Count de Vergennes, of which the following is an exact transcript:

"PASSY, December 6, 1783.

"SIR: I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries.

"With great respect, I am, &c.,

"B. FRANKLIN."

"This letter was written six days after the preliminaries were signed; and if we could procure the identical map mentioned by Franklin, it would seem to afford conclusive evidence as to the meaning af-

fixed by the commissioners to the language of the treaty on the subject of the boundaries. You may well suppose that I lost no time in making inquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claim. In the geographical department of the Archives are sixty thousand maps and charts; but so well arranged with catalogues and indexes, that any one of them may be easily found. After a little research in the American division, with the aid of the keeper, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a *strong red line* throughout the entire boundary of the United States, answering precisely to Franklin's description. The line is bold and distinct in every part, made with red ink, and apparently drawn with a hair-pencil, or a pen with a blunt point. There is no other coloring on any part of the map.

"Imagine my surprise on discovering that this line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. The north line, after departing from the source of the St. Croix, instead of proceeding to Mars Hill, stops far short of that point, and turns off to the west, so as to leave on the British side all the streams which flow into the St. John, between the source of the St. Croix and Mars Hill. It is evident that the line, from the St. Croix to the Canadian highland, is intended to exclude *all the waters* running into the St. John.

"There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances of its agreeing so perfectly with his description, and of its being preserved in the place where it would naturally be deposited by Count de Vergennes. I also found another map in the Archives, on which the same boundary was traced in a dotted red line with a pen, apparently colored from the other.

"I enclose herewith a map of Maine, on which I have drawn a strong black line, corresponding with the red one above mentioned."

I am far from intimating (said Mr. Rives) that the documents discovered by Mr. Sparks, curious and well worthy of consideration as they undoubtedly are, are of weight sufficient to shake the title of the United States, founded on the positive language of the treaty of peace. But they could not fail, in the event of another reference, to give increased confi-

tain to deny that it was a corroborating circumstance, calculated to add no small weight to her claim.

It would be still further increased by the fact that France was our ally at the time, and, as such, must have been consulted, and kept constantly advised of all that occurred during the progress of the negotiation, including its final result. It would be idle to suppose that these disclosures would not weigh heavily against us in any future negotiation.—They would, so much so—taken in connexion with the adverse award of the King of Holland, and this treaty, should it be rejected—as to render hopeless any future attempt to settle the question by negotiation or arbitration. No alternative would be left us but to yield to the full extent of the British claim, or to put Maine in possession by force, and that, too, with the opinion and sympathy of the world against us and our cause. In his opinion we would be bound to attempt it, in justice to Maine, should we refuse to agree to what she has assented. So much for the boundary question, as far as Maine is concerned.

Having now shown—satisfactorily, he hoped—that Maine has acted wisely for herself in assenting to the treaty, it remained to be considered whether we, the representatives of the Union on such questions, would not also do so in ratifying it, so far at least as the boundary question is involved. He would add nothing to what had already been said of the portion in which Maine was immediately interested. His remarks would be confined to the remaining portion of the boundary, extending from the northwestern corner of that State to the Rocky Mountains.

Throughout this long-extended line, every question has been settled to our satisfaction. Our right has been acknowledged to a territory of about one hundred thousand acres of land, in New Hampshire, which would have been lost by the award of the King of Holland. A long gore of about the same amount, lying in Vermont and New York, and which was lost under the treaty of Ghent, would be regained by this. It includes Rouse's Point. Sugar Island, lying in the water connexion between Lakes Huron and Superior, and heretofore in dispute, is acknowledged to be ours; it is large, and valuable for soil and position. So also is Isle Royale, near the northern shore of Lake Superior, acknowledged to be ours—a large island, and valuable for its fisheries. And also, a large tract of country to the north and west of that lake, between Fond du Lac and the river St. Louis on one side, and Pigeon river on the other—containing four millions of acres. It is said to be sterile, but cannot well be more so than that acquired by Great Britain, lying west of the boundary awarded by the King of Holland. In addition all the islands in the river St. Lawrence and the lakes, which were divided in running out the division line under previous treaties, are acquired by us under this; and all the channels and passages are opened to the common uses of our citizens and the subjects of Great Britain.

Such are the provisions of the treaty in reference to this long line of boundary. Our gain—regarded in the most contracted point of view, as mere equivalents for the sum assumed to be paid by us to Maine and Massachusetts for their assent to the treaty—is

dence and emphasis to the pretensions of Great Britain, and to exert a corresponding influence upon the mind of the arbiter. It is worth while, in this connexion, to turn to what Lord Ashburton has said, in one of his communications to Mr. Webster, when explaining his views of the position of the highlands described in the treaty:

"My inspection of the maps, and my examination of the documents," says his Lordship, "lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them—at the head of the *Pemobscot, Kennebec, and the rivers west of the St. Croix*; and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where alone, I believe, they will be found to answer perfectly the description of the treaty. *If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.*"

It is for the Senate to consider (added Mr. Rives) whether there would not be much risk of introducing new complications and embarrassments in this controversy, by leaving it open for another litigated reference; and if the British Government—strongly prepossessed, as its minister tells us it is, with the justice of its claims—would not find what it would

naturally consider a persuasive "confirmation of its view of the case" in documents such as those encountered by Mr. Sparks in his historical researches in the archives of France.

A map has been vauntingly paraded here, from Mr. Jefferson's collection, in the zeal of opposition, (without taking time to see what it was,) to confront and invalidate the map found by Mr. Sparks in the Foreign Office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks. The Senator who produced it, could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States, according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks. That this red line, and not the hardly visible dotted line, was intended to represent the limits of the United States according to the treaty of peace, is conclusively shown by the circumstance that the red line is drawn on the map all around the exterior boundary of the United States; through the middle of the Northern Lakes, thence through the Long Lake and the Rainy Lake to the Lake of the Woods; and from the western extremity of the Lake of the Woods to the river Mississippi; and along that river, to the point where the boundary of the United States, according to the treaty of peace, leaves it; and thence, by its easterly course, to the mouth of the St. Mary's, on the Atlantic.

vastly greater than what we have contracted to pay. Taking the whole boundary question together, and summing up the loss and gain of the whole, including what affects Maine and Massachusetts; and he could not doubt that, regarded merely as set-offs, our gain greatly exceeds our loss—vastly so, compared to what it would have been under the award of the King of Holland, including the equivalent which our Government was willing to allow Maine for her assent. But it would be, indeed, to take a very contracted view to regard it in that light. It would be to overlook the vast importance of permanently establishing, between two such powers, a line of boundary of several thousand miles, abounding in disputed points of much difficulty and long standing. The treaty, he trusted, would do much to lay the foundation of a solid peace between the countries—a thing so much to be desired.

It is certainly much to be regretted, after settling so large a portion of the boundary, that the part beyond the Rocky mountains should remain unadjusted. Its settlement would have contributed much to strengthen the foundation of a durable peace. But would it be wise to reject the treaty, because all has not been done that could be desired? He placed a high value on our territory on the west of those mountains, and held our title to it to be clear; but he would regard it as an act of consummate folly, to stake our claim on a trial of strength at this time.—The territory is now held by joint occupancy, under the treaty of Ghent; which either party may terminate by giving to the other six months' notice. If we were to attempt to assert our exclusive right of occupancy at present, the certain loss of the territory must be the result; for the plain reason that Great Britain could concentrate there a much larger force, naval and military, in a much shorter time, and at far less expense, than we could. That will not be denied; but it will not always be the case. Our population is steadily—he might say rapidly—advancing across the continent, to the borders of the Pacific ocean. Judging from past experience, the tide of population will sweep across the Rocky mountains, with resistless force, at no distant period; when what we claim will quietly fall into our hands, without expense or bloodshed. Time is acting for us. Wait patiently, and all we claim will be ours; but if we attempt to seize it by force, it will be sure to elude our grasp.

Having now stated his reasons for voting to ratify the articles in the treaty relating to the boundary, he would next proceed to assign those that would govern his vote on the two relating to the African slave trade. And here he would premise, that there are several circumstances, which caused no small repugnance on his part to any stipulations whatever with Great Britain on the subject of those articles; and he would add, that he would have been gratified if they, and all other stipulations on the subject, could have been entirely omitted; but he must, at the same time, say he did not see how it was possible to avoid entering into some arrangement on the subject. To understand the difficulty, it will be necessary to advert to the course heretofore taken by our Government in reference to the subject, and the circumstances under which the negotiations that resulted in this treaty commenced.

Congress at an early day—as soon, in fact, as it could legislate on the subject, under the Constitution—passed laws enacting severe penalties against

the African slave trade. That was followed by the treaty of Ghent, which declared it to be irreconcilable with the principles of humanity and justice, and stipulated that both of the parties—the United States and Great Britain—should use their best endeavors to effect this abolition. Shortly after, an act of Congress was passed declaring it to be piracy; and a resolution was adopted by Congress, requesting the President to enter into arrangements with other powers for its suppression. Great Britain, actuated by the same feelings, succeeded in making treaties with the European maritime powers for its suppression; and, not long before the commencement of this negotiation, had entered into joint stipulations with the five great powers to back her on the question of search. She had thus acquired a general supervision of the trade along the African coast; so that vessels carrying the flag of every other country, except ours, were subject on that coast to the inspection of her cruisers, and to be captured, if suspected of being engaged in the slave-trade. In consequence, ours became almost the only flag used by those engaged in the trade, whether our own people or foreigners; although our laws inhibited the traffic under the severest penalties. In this state of things, Great Britain put forward the claim of the right of search as indispensable to suppress a trade prohibited by the laws of the civilized world, and to the execution of the laws and treaties of the nations associated with her by mutual engagements for its suppression. At this stage, a correspondence took place between our late minister at the Court of St. James and Lord Palmerston on the subject, in which the latter openly and boldly claimed the right of search, and which was promptly and decidedly repelled on our side. We had long since taken our stand against it, and had resisted its abuse, as a belligerent right, at the mouth of the cannon. Neither honor nor policy on our part could tolerate its exercise in time of peace, in any form—whether in that of search, as claimed by Lord Palmerston, or the less offensive and unreasonable one of visitation, as proposed by his successor, Lord Aberdeen. And yet we were placed in such circumstances as to require that something should be done. It was in such a state of things that the negotiation commenced—and commenced, in part, in reference to this subject, which was tending rapidly to bring the two countries into collision. On our side, we were deeply committed against the traffic, both by legislation and treaty. The influence and the efforts of the civilized world were directed against it—and that, too, under our lead at the commencement; and with such success as to compel vessels engaged in it to take shelter, almost exclusively, under the fraudulent use of our flag. To permit such a state of things to continue, could not but deeply impeach our honor, and turn the sympathy of the world against us. On the other side, Great Britain had acquired, by treaties, the right of supervision, including that of search and capturing, over the trade on the coast of Africa, with the view to its suppression, from all the maritime powers except ourselves. Thus situated, he must say that he saw no alternative for us but the one adopted—to take the supervision of our own trade on that coast into our own hands, and to prevent, by our own cruisers, the fraudulent use of our flag. The only question, in the actual state of things, as it appeared to him, was, whether it should be done by a formal or informal arrangement? He would have preferred the latter; but the difference between the

was not, in his opinion, such as would justify, on that account, the rejection of the treaty. They would, in substance, be the same, and have differed but little, probably, in the expense of execution.—Either was better than the other alternatives—to do nothing; to leave things in the dangerous state they stood; or to yield to the right of search or visitation.

It is objected that the arrangement entered into is virtually an acknowledgment of the right of search. He did not so regard it. On the contrary, he considered it, under all the circumstances, as a surrender of that claim on the part of Great Britain; a conclusion, which a review of the whole transaction, in his opinion, would justify. Lord Palmerston, in the first place, claimed the unqualified right of search, in which it is understood he was backed by the five great powers. Lord Aberdeen, with more wisdom and moderation, explained it to mean the right of visitation simply; and, finally, the negotiation is closed without reference to either, simply with a stipulation between the parties to keep up for five years a squadron of not less than eighty guns on the coast of Africa, to enforce separately and respectively the laws and obligations of each of the countries for the suppression of the slave-trade. It is carefully worded, to make it mutual, but at the same time separate and independent; each looking to the execution of its own laws and obligations, and carefully excluding the supervision of either over the other, and thereby directly rebutting the object of search or visitation.

The other article, in reference to the same subject, stipulates that the parties will unite in all becoming representation and remonstrance, with any powers, within whose dominions markets are permitted for imported African slaves. If he were to permit his feelings to govern him exclusively, he would object to this more strongly than any other provision in the treaty,—not that he was opposed to the object or the policy of closing the market to imported negroes, on the contrary, he thought it both right and expedient in every view. Brazil and the Spanish colonies were the only markets, he believed, still remaining open, and to which this provision would apply. They were already abundantly supplied with slaves, and he had no doubt that sound policy on their part required that their markets should be finally and effectually closed. He would go farther, and say that it was our interest they should be. It would free us from the necessity of keeping cruisers on the African coast, to prevent the illegal and fraudulent use of our flag, or for any other purpose but to protect our commerce in that quarter—a thing of itself much to be desired. We would have a still stronger interest, if we were governed by selfish considerations. We are rivals in the production of several articles, and more especially the greatest of all the agricultural staples—cotton. Next to our own country, Brazil possesses the greatest advantages for its production, and is already a large grower of the article; towards the production of which, the continuance of the market for imported slaves from Africa would contribute much. But he would not permit such considerations to influence him in voting on the treaty. He had no objection to see Brazil develop her resources to the full; but he did believe that higher considerations, connected with her safety, and that of the Spanish colonies, made it their interest that their market should be closed against the traffic.

But it may be asked, why, with these impressions, should he have any objection to this provision of the treaty? It was, because he was averse to interfering with other powers, when it could be avoided. It extends even to cases like the present, where there was a common interest in reference to the subject of advice or remonstrance; but it would be carrying his aversion to fastidiousness, were he to permit it to overrule his vote in the adjustment of questions of such magnitude as are involved on the present occasion.

But the treaty is opposed, not only for what it contains, but also for what it does not; and, among other objections of the kind, because it has no provision in reference to the case of the Creole, and other similar ones. He admitted that it is an objection; and that it was very desirable that the treaty should have guarded, by specific and efficient provisions, against the recurrence of such outrages on the rights of our citizens, and indignity to our honor and independence. If any one has a right to speak warmly on this subject, he was the individual; but he could not forget that the question for us to decide is, Shall we ratify or reject the treaty? It is not whether all has been done which it was desirable should be done, but whether we shall confirm or reject what has actually been done; not whether we have gained all we could desire, but whether we shall retain what we have gained. To decide that as it ought to be, it is our duty to weigh, calmly and fairly, the reasons for and against the ratification, and to decide in favor of the side which preponderates.

It does not follow that nothing has been done in relation to the cases under consideration, because the treaty contains no provisions in reference to them. The fact is otherwise. Much, very much, has been done;—in his opinion, little short, in its effect, of a positive stipulation by the treaty to guard against the recurrence of such cases hereafter. To understand how much has been done, and what has been gained by us, it is necessary to have a correct conception of the state of the case in reference to them, before the negotiation commenced, and since it terminated.

These cases are not of recent origin. The first of the kind was that of the brig *Comet*, which was stranded on the false keys of the Bahamas, as far back as 1830, with slaves on board. She was taken into Nassau, New Providence, by the wreckers, and the slaves liberated by the colonial authorities.—The next was the *Encomium*, which occurred in 1834, and which, in all the material circumstances, was every way similar to that of the *Comet*. The case of the *Enterprise* followed. It took place in 1835, and differed in no material circumstance from the others, as was acknowledged by the British Government, except that it occurred after the act of Parliament abolishing slavery in the colonies had gone into operation, and the others prior to that period.

After a long correspondence of nearly ten years, the British Government agreed to pay for the slaves on board of the two first, on the ground that they were liberated before the act abolishing slavery had gone into operation; but refused to pay for those belonging to the *Enterprise*, because they were liberated after it had. To justify this distinction, Lord Palmerston had to assume the ground, virtually, that the law of nations was opposed to slavery—an assumption

that placed the property of a third of the Union without the pale of its protection. On that ground, he peremptorily refused compensation for the slaves on board the *Enterprise*. Our Executive, under this refusal, accepted the compensation for those on board the *Comet* and *Encomium*, and closed the correspondence, without even bringing the subject before Congress. With such perfect indifference was the whole affair treated, that, during the long period the negotiation was pending, the subject was never once mentioned, as far as he recollected, in any Executive message; while those of far less magnitude—the debt of a few millions due from France, and this very boundary question—were constantly brought before Congress, and had nearly involved the country in war with two of the leading powers of Europe. Those who are now so shocked that the boundary question should be settled, without a settlement also of this, stood by in silence, year after year, during this long period, not only without attempting to unite the settlement of this with that of the boundary, but without ever once naming or alluding to it as an item in the list of the dispute between the two powers. It was regarded as beneath notice. He rejoiced to witness the great change that has taken place in relation to it; and to find that those who were then silent and indifferent, now exhibit so much zeal and vehemence about it. He took credit to himself for having contributed to bring this change about. It was he who revived our claim when it lay dead and buried among the archives of the State Department—who called for the correspondence—who moved resolutions affirming the principles of the law of nations in reference to these cases, and repelling the presumptuous and insulting assumption on which it was denied by the British negotiator. Such was the force of truth, and so solid the foundation on which he rested our claim, that his resolutions received the unanimous vote of this body; but he received no support—no, not a cheering word—from the quarter which now professes so much zeal on the subject. His utmost hope at the time was to keep alive our right, till some propitious moment should arrive to assert it successfully. In the mean time, the case of the *Creole* occurred, which, as shocking and outrageous as it is, was but the legitimate consequence of the principle maintained by Lord Palmerston, and on which he closed the correspondence in the case of the *Enterprise*.

Such was the State of the facts when the negotiations commenced in reference to these cases; and it remains now to be shown in what state it has left them. In the first place, the broad principles of the law of nations, on which he placed our right in his resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says, that “on the great general principles affecting this case” (the *Creole*) “they do not differ;” and that is followed by “an engagement that instructions shall be given to the governors of Her Majesty’s colonies on the southern borders of the United States, to execute their own laws with careful attention to the wishes of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duties of

hospitality shall be executed.” This pledge was accepted by our Executive, accompanied by the express declaration of the President, through the Secretary of State, that he places his reliance on those principles of public law which had been stated in the note of the Secretary of State. To all this it may be added, that strong assurances are given by the British negotiator, of his belief that a final arrangement may be made of the subject by positive stipulations in London. Such is the state in which the negotiation has left the subject.

Here again he would repeat, that such stipulations in the treaty itself would have been preferable. But who can deny, when he compares the state of the facts, as they stood before and since the close of this negotiation, that we have gained—largely gained—in reference to this important subject? Is there no difference, he would ask, between a stern and peremptory denial of our right, on the broad and the insulting ground assumed by Lord Palmerston, and its explicit recognition by Lord Ashburton?—none in the pledge that instructions should be given to guard against the recurrence of such cases, and a positive denial that we had suffered no wrong or insult, nor had any right to complain:—none between a final closing of all negotiation, and a strong assurance of a final adjustment of the subject by satisfactory arrangement by treaty? And would it be wise or prudent on our part to reject what has been gained, because all has not been? As to himself he must say that, at the time he moved his resolutions, he little hoped, in the short space of two years, to obtain what has already been gained; and that he regarded the prospect of a final and satisfactory adjustment, at no distant day, of this subject, so vital in its principles to his constituents and the whole South, as far more probable than he then did this explicit recognition of the principles for which he contended. In the mean time he felt assured the engagement given by the British negotiator would be fulfilled in good faith; and that the hazard of collision between the countries, and the disturbance of their peace and friendship, has passed away, as far as it depends on this dangerous subject. But if in this he should unfortunately be mistaken, we should stand on much more solid ground in defence of our rights, in consequence of what has been gained; as there would then be superadded broken faith to the violation of the laws of nations.

Having now said what he intended on the more important points, he would pass over, without dwelling on the provision of the treaty for delivering up to justice persons charged with certain crimes; the affair of the *Caroline*; and the correspondence in reference to impressment. The first is substantially the same as that contained in Jay’s treaty on the same subject. On the next, he had nothing to add to what has already been said. As to the last, he did not doubt that the strong ground taken in the correspondence against the impressment of seamen on board of our merchant vessels, in time of war, would have a good effect. It will contribute to convince Great Britain that the practice cannot be renewed, in the event of another European war, without a certain and immediate conflict between the two countries.

I (said Mr. CALHOUN) have now stated my opinion fully and impartially on the treaty with the connected subjects. On reviewing the whole, and weighing the reasons for and against its ratification, I cannot doubt that the former greatly preponderate. If we have not gained all that could be desired, we have gained

much that is desirable; and, if all has not been settled, much has been—and that, not of little importance. It is not of little importance to have the Northeastern boundary settled—and that, too, with the consent of the States immediately interested; a subject which has been in dispute almost from the origin of the Government, and which had become more and more entangled, and adverse to our claim, on every attempt heretofore made to settle it. Nor is it of little importance to have the whole line of boundary between us and the British dominions, from the source of the St. Croix to the Rocky mountains, settled—a line of more than three thousand miles, with many disputed points of long standing, the settlement of which had baffled all previous attempts. Nor is it of little importance to have adjusted the embarrassments relating to the African slave-trade, by adopting the least objectionable of the alternatives. Nor to have the principles of the law of nations for which we contended, in reference to the Creole and other cases of the kind, recognised by Great Britain; nor to have a solemn pledge against their recurrence, with a reasonable assurance of satisfactory stipulations by treaty. Nor is it of little importance to have by the settlement of these inveterate and difficult questions, the relation of the two countries settled down in amity and peace—permanent amity and peace, as it may be hoped—in the place of that doubtful, unsettled condition, between peace and war, which has for so many years characterized it, and which is so hostile to the interests and prosperity of both countries.

Peace (said Mr. C.) is the first of our wants, in the present condition of our country. We wanted peace, to reform our own Government, and to relieve the country from its great embarrassments. Our Government is deeply disordered; its credit is impaired; its debt increasing; its expenditures extravagant and wasteful; its disbursements without efficient accountability; and its taxes (for duties are but taxes) enormous, unequal, and oppressive to the great producing classes of the country. Peace settled and undisturbed, is indispensable to a thorough reform, and such a reform to the duration of the Government. But, so long as the relation between the two countries continues in a state of doubt between peace and war, all attempts at such reform will prove abortive. The first step in any such, to be successful, must be to reduce the expenditures to the legitimate and economical wants of the Government. Without that, there can be nothing worthy of the name; but in an unsettled state of the relations of the two countries, all attempts at reduction will be baffled by the cry of war accompanied by insinuations against the patriotism

of those who may be so hardy as to make them. Should the treaty be ratified, an end will be put to that, and no excuse or pretext be left to delay the great and indispensable work of reform. This may not be desirable to those who see, or fancy they see, benefits in high duties and wasteful expenditures; but, by the great producing and tax-paying portions of the community, it will be regarded as one of the greatest of blessings. These are not the only reasons for wanting peace. We want it, to enable the people and the States to extricate themselves from their embarrassments. They are both borne down by heavy debts, contracted in a period of fallacious prosperity, from which there is no other honest and honorable extrication but the payment of what is due. To enable both States and individuals to pay their debts, they must be left in full possession of all their means, with as little exactions or restrictions on their industry as possible on the part of this Government. To this, a settled state of peace, and an open and free commerce are indispensable. With these, and the increasing habits of economy and industry now everywhere pervading the country, the period of embarrassment will soon pass away, to be succeeded by one of permanent and healthy prosperity.

Peace is, indeed, our policy. A kind Providence has cast our lot on a portion of the globe sufficiently vast to satisfy the most grasping ambition, and abounding in resources beyond all others, which only require to be fully developed to make us the greatest and most prosperous people on earth. To the full development of the vast resources of our country, we have political institutions most happily constituted. Indeed, it would be difficult to imagine a system more so than our Federal Republic—a system of State and General Governments, so blended as to constitute one sublime whole; the latter having charge of the interests common to all, and the former those local and peculiar to each State. With a system so happily constituted, let a durable and firm peace be established, and this Government be confined rigidly to the few great objects for which it was instituted; leaving the States to contend in generous rivalry, to develop, by the arts of peace, their respective resources; and a scene of prosperity and happiness would follow, heretofore unequalled on the globe. I trust (said Mr. C.) that this treaty may prove the first step towards such a peace. Once established with Great Britain, it would not be difficult, with moderation and prudence, to establish permanent peace with the rest of the world, when our most sanguine hopes of prosperity may be realized.